
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:17-cv-00838-JLS-KES

Date: June 01, 2020

Title: In re: Kia Engine Litigation

Present: **HONORABLE JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Terry Guerrero
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiff:

Not Present

Attorneys Present for Defendant:

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER (1) APPROVING CLAIMS
ADMINISTRATOR, (2) APPROVING REVISED NOTICE
MATERIALS, AND (3) PROVIDING GUIDANCE ON THE
NOTICE AND CLAIMS SUBMISSION DEADLINES**

On May 7, 2020, the Court conditionally granted preliminary approval of the terms of a class action settlement, as presented by Plaintiffs in an unopposed motion. (Order Granting Preliminary Approval, Doc. 132.) Specifically, the Court instructed the parties that the approval was conditional upon (1) Kia’s submission of a supplemental brief detailing the qualifications of its proposed claims administrator and (2) the filing of revised copies of the proposed long-form notices, incorporating certain modifications. (*Id.* at 26, 28-29.) The parties have filed the required documents. (Kia Supp. Brief, Doc. 134; Hyundai Revised Notice, Doc. 135-2; Kia Revised Notice, Doc. 135-4.) They have additionally sought guidance from the Court regarding the class notice and claims submission timelines. (Joint Revised Notice Submission at 2-3, Doc. 135.)

First, upon review of Kia’s Supplemental Brief, the Court finds adequate Kia’s proposed third-party claims administrator, Epiq Class Action & Claims Solutions, Inc. Kia has detailed Epiq’s extensive experience serving as an administrator in thousands of class actions, across numerous areas of law. (Kia Supp. Brief at 2-3; Azari Decl., ¶¶ 2-5, Doc. 134-1.) That experience extends to complex matters in this district and others “where hundreds of millions of notices were disseminated, millions of phone call[s] were received, and tens of millions of claims were submitted and payments distributed.” (Kia Supp. Brief at 2; Azari Decl., ¶ 5.) In handling claims, Epiq will follow the procedure set

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forth in the Revised Settlement Agreement (Doc. 128-1 at 21-24). (Kia Supp. Brief at 3-4; Azari Decl., ¶ 13.) It will adjust the size of the team devoted to this matter in response to the number of claims and inquiries submitted by Class Members. (Kia Supp. Brief at 4; Azari Decl., ¶¶ 10, 15.) Further, Epiq will provide regular updates to both Kia and Class Counsel, including monthly submissions to Class Counsel of copies of every final determination notice issued regarding Class Member claims. (Kia Supp. Brief at 4; Azari Decl., ¶ 14.) And per the Settlement Agreement, Kia is responsible for all costs associated with Epiq’s service as claims administrator. (Revised Settlement Agreement at 20-21.) Accordingly, the Court APPROVES Epiq as Kia’s third-party claims administrator.

Second, the revised notices incorporate the form and substance required by the court in its prior order. As all required modifications have been made, the Court additionally APPROVES the revised long-form notices. They may be disseminated to the Class.

Third, in its Preliminary Approval Order, the Court directed the parties to distribute notice to the class within thirty days following approval of the revised notices. (Order Granting Preliminary Approval at 30.) Along with the revised notices, the parties submitted a request for additional time to complete the dissemination of notice. (Joint Revised Notice Submission at 2-3.) They explain that it will take ninety days for Defendants and their agents to issue individual notices to the Class. (*Id.*; *see* Lee Decl., Doc. 135-1.) Given the size of the Class and complexity of this matter, the Court GRANTS the parties’ request and allows Defendants ninety days from the date of the filing described below to complete their notice campaign.

Finally, the parties seek guidance “as to the appropriate date to include in the long-form notices for when the claims submission period ends.” (*Id.* at 3.) The claims submission deadline was previously set at ninety days following the date of this Court’s final approval order. (Order Granting Preliminary Approval at 8.) Because the parties cannot predict the exact date that the final approval order will issue, they are unsure what date to include in the notices. (Joint Request for Extension of Notice Deadline at 2.) In light of the fact that the Court herein grants the requested extension of the notice deadline by sixty days, the Court ORDERS that the long-form notice instruct Class Members that

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“the claims submission deadline is April 12, 2021 and any extension of that date will be posted on the settlement websites.” April 12, 2021 is one hundred and fifty days following the date currently set for the final fairness hearing in this matter, November 13, 2020. The one hundred and fifty day-timeline accounts for both the original ninety-day timeline as well as the sixty-day delay in the delivery of notice contemplated by this Order.

If the parties have any objection to the Court’s ordered modification, they should submit a joint filing so notifying the court within **five (5) days** from the date of this Order. Absent any objection, the parties shall have ninety days from the date of this Order to cause notice to be served on the Class Members.

Initials of Preparer: tg